

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADNAN KHAN,

No. C 10-3949 SI

Petitioner,

V.

**ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS* ON
APPEAL**

RAUL LOPEZ, Warden

Respondent.

Petitioner Adnan Khan has filed a motion seeking to proceed *in forma pauperis* (“IFP”) on his appeal of the Court’s denial of his petition for a writ of habeas corpus.

14 IFP applications are reviewed using a two-part analysis pursuant to 28 U.S.C. § 1915. First, the
15 Court must determine that the applicant qualifies financially to proceed IFP. 28 U.S.C. § 1915(a)(1).
16 Next, the Court must ensure that the applicant states cognizable, non-frivolous claims or defenses. *Id.*
17 § 1915(e)(2)(B). The Court may “at any time” dismiss an IFP action or appeal if it determines that the
18 action or appeal “is frivolous or malicious.” *Id.*

19 Petitioner has previously been found to be indigent by the Court, and his family has not retained
20 counsel to represent him for the appeal. Additionally, the Court does not find that petitioner's appeal
21 is either frivolous or malicious.

22 Accordingly, the Court GRANTS petitioner's motion to proceed *in forma pauperis* on his
23 appeal.

IT IS SO ORDERED.

26 || Dated: September 24, 2013

Susan Illston
SUSAN ILLSTON
United States District Judge